

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

KENNETH ANDREW COLBAUGH,)	
Individually and as Surviving Spouse)	
of Tabitha Marie Colbaugh f/k/a)	
Tabitha Marie Smith, et. al.)	
)	CASE NO. 1-24-cv-151
<i>Plaintiffs,</i>)	
vs.)	JURY DEMAND
)	
MEIGS COUNTY, et. al.,)	
)	
<i>Defendants.</i>)	
)	CONSOLIDATED
)	
TABITHA MARIE SMITH (Deceased),)	
By and through her adult child)	
NATHAN ALEXANDER SMITH, et. al.,)	CASE NO. 1:24-cv-104
)	
<i>Plaintiffs,</i>)	
vs.)	
)	
MEIGS COUNTY GOVERNMENT, et. al.)	
)	
<i>Defendants.</i>)	

**MOTION TO STAY FILING RESPONSIVE PLEADING UNTIL COURT
RULING ON [DOC. 28]**

COMES NOW, Defendant Estate of Robert J. Leonard (hereinafter referred to as “the Estate”), by and through undersigned counsel, and hereby files this Motion to Stay Filing a Responsive Pleading to the Amended Complaint [Doc. 52]. The Estate entered a Joint Stipulation for Extension of time to Answer Amended Complaint on June 28, 2024 [Doc. 27] stipulating that the Estate shall file a responsive pleading to [Doc. 52] on or before July 12, 2024.

On July 1, 2024, Plaintiff Colbaugh filed a Motion for the Court to Order the Filing of Consolidated Complaint, Appoint Lead Counsel, and Stay Briefing on Defendant Meigs County

Tennessee Motion to Dismiss [No. 56].

The Court is firmly aware of the already extensive procedural posture of these cases. For the Defendants, it has been difficult to ascertain to which pleadings to respond. Once an Amended Complaint [Doc. 52] was filed with Tabitha Smith as the lead Plaintiff, the Estate was under the impression that the Estate needed to respond to that Amended Complaint. However, then the Court entered an Order Consolidating the case [Doc. 54] with Kenneth Colbaugh as the lead Plaintiff, and, subsequently, Plaintiff Colbaugh filed the Motion for the Court to Order the Filing of a Consolidated Complaint, Appoint Lead Counsel, and Stay Briefing on Defendant Meigs County TN Motion to Dismiss [No. 56].

Within the Plaintiff's Motion [Doc. 56] are arguments of judicial economy, the need to conserve valuable resources, the need for the parties to know who the rightful plaintiff is in the matter, etc. The Estate agrees that a conservation of valuable judicial and financial resources is necessary. Therefore, the Estate is respectfully requesting this Honorable Court enter an Order staying the Filing of a Responsive Pleading on Behalf of the Estate of Robert Leonard until such time as the Court rules on Doc. 56.

Respectfully Submitted,

DAVIS & HOSS, P.C.

s/ Janie Parks Varnell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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This the 10th day of July 2024.

/s/Janie Parks Varnell
JANIE PARKS VARNELL